



PTO/SB/21 (02-04)

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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>Application Number</b>	10/825,026	
	<b>Filing Date</b>	April 15, 2004
	<b>First Named Inventor</b>	Neil Berinstein
	<b>Art Unit</b>	1642
	<b>Examiner Name</b>	
<b>Attorney Docket Number</b>	API-03-03-US	
<b>Total Number of Pages in This Submission</b>	50	

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	Declaration, Sequence Listing (also in computer readable form), PTO-2038 Form, Postcard
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>	
<input checked="" type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>	Patrick J. Halloran
<b>Signature</b>	
<b>Date</b>	1/06/05

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

<b>Typed or printed name</b>	Patrick J. Halloran		
<b>Signature</b>		<b>Date</b>	1/06/05

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



EV 231574 5S 745

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**(API-03-03-US)**

In Re Application of:	)	
	)	
Berinstein, et al.	)	Examiner: TBD
	)	
Serial No.: 10/825,026	)	Group Art Unit: 1642
	)	
Filing Date: April 15, 2004	)	
	)	
Title: Tumor Antigen BFA5 for Prevention	)	
And/or Treatment of Cancer	)	

MAIL STOP MISSING PARTS  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
**OF NONPROVISIONAL APPLICATION**

Dear Sir/Madam:

This is a response to the Notice to File Missing Parts of NonProvisional Application Under 37 CFR 1.53(b) dated June 22, 2004. Attached herewith are: 1) Copy of the Notice; 2) Transmittal Form; 3) Petition for Extension of Time; 4) Fee Transmittal sheet; 5) PTO-2038; 6) Computer-readable copy of new sequence listing; 7) Paper copy of new sequence listing; 8) a Declaration for Utility or Design Patent Application; and 8) Postcard. Applicants do not believe any additional fees are due with this response. However, the Commissioner is authorized to charge any deficiency or credit any excess fees to Deposit Account No. 50-0244.

Respectfully submitted,

Date: ~~December~~ *January* 6, 2005

  
\_\_\_\_\_  
Patrick J. Halloran  
Reg No. 41,053



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**(Case No. API-03-03-US)**

**In The Application of:**

**Berinstein, et al.**

**Serial No.: 10/825,026**

**Filed: April 14, 2004**

**For: TUMOR ANTIGEN BFA5 FOR  
PREVENTION AND/OR TREATMENT  
OF CANCER**

)  
)  
)  
) **Examiner: TBD**  
)  
) **Art Unit: 1642**  
)  
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)

**MAIL STOP MISSING PARTS**

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

**U.S. Express Mail EL231574557US**

**RESPONSE TO NOTICE TO MISSING PARTS DATED JUNE 22, 2004**

Sir / Madam,

This is a response to the Notice to File Missing Parts dated June 22, 2004. Attached herewith is a paper copy of the new sequence listing and a computer-readable copy of the new sequence listing.

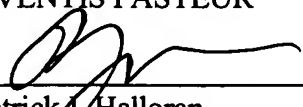
Please amend the instant specification by deleting originally filed pages 38-42, inserting the attached new pages 38-77 representing the new sequence listing, and renumbering the remaining pages accordingly. The Sequence Listing includes nucleotide and amino acid sequences that can be found in the application as originally filed. Accordingly, no new matter has been introduced into the application as a result of the present amendment.

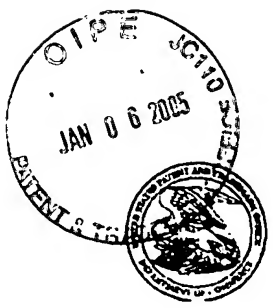
The undersigned representative hereby declares that the content of the paper and computer readable copies of the Sequence Listing, submitted in the above-identified application in accordance with 37 C.F.R. §§ 1.821(c) and (e), respectively, are identical in content. The 3.5" diskette contains an IBM compatible dos-text file of the sequence listing named "03-03-US.ST25.txt". Consideration and entry of this Statement and attachments is respectfully requested.

Respectfully submitted,

AVENTIS PASTEUR

Date: January 6, 2005

  
\_\_\_\_\_  
Patrick J. Halloran  
Reg. No. 41,053



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C.C.

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/825.026	04/15/2004	Neil Berinstein	API-03-03-US

Patrick J. Halloran  
Aventis Pasteur  
Knerr Building  
Swiftwater, PA 18370

CONFIRMATION NO. 7485

## FORMALITIES LETTER



\*OC00000013008015\*

Date Mailed: 06/22/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

## Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

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- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

Y. G.  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY